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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,914	08/17/2006	Martin Dinant Bijker	008895-0355438	4847
909 7590 01/24/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER GARCIA, JOANNIE A	
			ART UNIT 2823	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,914	Applicant(s) BIJKER ET AL.	
	Examiner Joannie A. Garcia	Art Unit 2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06-21-2006</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim 27 is objected to because of the following informalities:

Claim 27 recites the limitation "sputtering electrode" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Boxhoorn et al (US 2006/0100094).

Boxhoorn et al discloses a method for manufacturing a functional layer, comprising introducing a sheet, carrier or corrugated material, or a metal non-porous substrate into a process chamber, generating a plasma by a DC plasma cascade source (Paragraphs 0015, 0053, 0056, and 0057), wherein the substrate is adjusted to a treatment temperature (Paragraph 0056), depositing a sputtering first deposition material by sputtering containing compressed powders on the substrate under the influence of the plasma having a volatile compound containing a precursor material which decomposes the first deposition material in the process chamber before the first deposition material has reached the substrate (Paragraph 0034, 0040, 0041, and 0069,

and Claims 1, 11, 14, 35, and 38), wherein applying at the same time a PECVD or sputtering second deposition material to the substrate with a second deposition process, wherein the functional layer has no catalytic function, wherein the substrate is moved in the process chamber each time a different part of the substrate contacts the plasma (Paragraphs 0007, 0011, 0014, 0041, 0053, and 0046, and Claims 1, and 14), wherein the first deposition material is supplied to the plasma outside the plasma source in the process chamber (Paragraphs 0039 and 0040), and wherein the first and/or second deposition material is deposited such that the chemical composition of the deposited material is deposited such that the chemical composition of the deposited material measured over distances of 5cm, differs by less than 10%, and the substrate is adjusted to an electrical potential by DC, pulsed DC and/or RF biasing (Paragraph 0070 and Claims 28 and 32).

Boxhoorn et al discloses an apparatus for manufacturing a functional layer on a substrate comprising a process chamber, a DC plasma cascade source, or two DC plasma sources such that opposite sides of the substrate contact the plasmas, to generate a plasma (Paragraphs 0053, 0054, 0056, and 0059), a first vapor deposition material source in a volatile state and supplied using a fluid supply channel, and configured to introduce a first deposition material into the plasma (Paragraphs 0034, 0040, 0069, 0073, and Claims 1, 14, 35, and 38), a substrate positioning device configured to bring and/or keep at least a part of a substrate in such position in the process chamber that the substrate contacts said plasma (Paragraphs 0060-0062), a PECVD source or sputtering electrode second deposition material source configured to deposit a second deposition material on the substrate and the plasma source at the same time, wherein the functional layer having a no catalytically active source, wherein the sputtering electrode abuts the plasma source

Application/Control Number:
10/583,914
Art Unit: 2823

Page 4

(Paragraphs 0007, 0011, 0014, 0046, 0053, and 0055, and Claims 1, and 14), a substrate roller and discharge roller, to supply and discharge, respectively, a substrate that can be rolled up to and from the process chamber (Paragraphs 0057 and 0058), and a deformation means to deform and serrate the substrate which has unrolled from the supply roller (Paragraph 0057).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joannie García whose telephone number is (571) 272-1861. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/George Fourson/
George Fourson, Art Unit 2823
Primary Examiner

/JAG/
January 18, 2008

GFourson
Primary Examiner